



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 20-4	Subject: <b>STATE VEHICLES/ACCIDENTS/COMMUTING USING STATE CAR</b>	
Reference: <a href="#">DOC 1.2.18</a> ; <a href="#">DOC 1.3.2</a> ; <a href="#">DOC 1.3.49</a> <a href="#">2-9-101 MCA</a> ; <a href="#">2-9-201, MCA</a> , <a href="#">2-17-401 through 432, MCA</a> ; <a href="#">2.6.201-214 ARM</a> ; Vol.1, Ch.1-0500 MOM; 26 CFR, 1.61-21(f)(3) IRS Reg.	Page 1 of 7	
Effective Date: 06/01/00	Revision Dates: 6/25/01; 01/13/03; 03/14/03; 08/01/05; 02/15/06; 11/14/08	
Signature / Title: /s/ Ron Alsbury		

### I. BUREAU DIRECTIVE:

The Probation & Parole Bureau will establish guidelines for employees using state owned or leased vehicles for Department business.

### II. DEFINITIONS:

Authorized Drivers of State Vehicles include:

- Department of Corrections (Department) employees conducting business on behalf of the state;
- authorized passengers (as defined below) relieving authorized drivers due to illness, fatigue, or other physical or mental incapacity;
- aides for disabled employees subject to the prior written approval of the Director; and
- independent contractors or employees of a temporary employment agency contracting with the state when a state employee is not available, subject to the prior written approval of the Director.

Authorized Passengers in a State Vehicle include:

- Department employees;
- independent contractors, guests, or clients conducting business on behalf of the state;
- aides to disabled employees;
- persons rendering or in need of assistance during a medical or other life-threatening emergency; and
- infants of any authorized driver or passenger.

Authorized Uses of State Vehicles include:

- parking a vehicle overnight at the home of a departmental employee in order to begin travel the next day;
- obtaining food, necessities, and lodging while in travel status;
- responding to medical or other life-threatening emergencies; and
- conducting after-hours personal business, recreation, or leisure, within a 30-mile radius of the department employee's lodging when required to stay overnight at a location other than the established work location.

Bona fide Non-compensatory Business Reason – When an employee is required as a part of his or her duties to be immediately available to respond to emergencies that may involve injury to persons or property, or to prevent or investigate crimes, execute search warrants and make arrests, and regularly carry firearms as authorized by law.

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Commute – The mileage from home to office address.

Department Owned Vehicle – A vehicle owned by the Department.

Leased Vehicle – A vehicle the Department leases from the Department of Transportation, Motor Pool Division (Motor Pool).

State Vehicle – A vehicle owned or leased by the Department.

### III. PROCEDURES:

Any exception to authorized drivers, passengers and/or uses of state vehicles requires the prior written approval of the Risk Management and Tort Defense Division (RMTD). Employees must request an exception through the Regional Administrator (RA) or designee to the Probation & Parole Bureau Chief (Bureau Chief).

The Bureau Chief will submit the request to the RMTD.

#### PROCEDURE:

#### RESPONSIBILITY:

##### A. Assignment of State Vehicle

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| 1. A Probation & Parole Officer (Officer) who travels numerous miles per month to carry out Department business may make a request for an assigned vehicle to the RA by completing <i>P&amp;P 20-4(A) Request for Vehicle Assignment</i> . The vehicle may be equipped with the following: cage, vest, safety equipment, first aid kit, police radio, search kit, search clothing, sharps container, weapon, and fire extinguisher. | Employee |
| 2. The RA will forward the request to the Bureau Chief and Adult Community Corrections Division (ACCD) Administrator for approval.  | RA       |
| 3. All persons requiring use of a state or personal vehicle for Department business on an assigned basis will complete and submit the <i>P&amp;P 20-4(C) Vehicle Use Agreement</i> to RA and remain under a continuing obligation to update the information contained therein.  | Employee |
| 4. RA or designee will submit completed <i>Vehicle Use Agreements</i> to the Probation & Parole Bureau Chief (Bureau Chief) to be forwarded to Department personnel file.   | RA       |
| 5. RA will ensure that a copy of the <i>Vehicle Use Agreement</i> is filed and maintained in each employee's regional personnel file.   | RA       |
| 6. Officers may be required, for bona fide non-compensatory business reasons, to commute to and from work in a Department owned vehicle. The RA will use the following factors to determine if it is in the best interest of the Bureau/Department to permit an Officer to commute:   | RA       |
| <ul style="list-style-type: none"> <li>• The Officer's need to be "on call" 24 hours/day or available for call outs.</li> <li>• The Officer's need to work after hours and weekends.</li> <li>• Whether the vehicle can be safely and cost effectively parked at the Officer's office.</li> </ul>   |          |

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- The Officer's need for a Department owned vehicle to go from home directly to an alternate work site (offender's home, court hearings, jail, etc.).
- The distance of Officer's commute (must be twenty miles or less one way). Criterion for Exceptions: When an Officer has a significant caseload in the area where the Officer resides, and it is in the Bureau's best interest for public safety and would not create an onerous financial burden on the Bureau. Exceptions must be endorsed by the RA and approved by the Bureau Chief.
- The resources of the ACCD and/or Department.

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| 7. Employees assigned vehicles on a 24-hour, seven-day a week basis will be taxed on \$3.00 per day non-cash compensation for each day commuted, in accordance with 26 CFR ss 1.61-21(f)(3). Number of days commuted is reported to the Department Administrative & Financial Services Division by employee. | Employee |
| 8. When a vehicle is not used for a bona fide non-compensatory business reason, it will be parked at the work location and not taken home except for travel as allowed under "Authorized Uses of State Vehicles," for non-assigned vehicles.   | Employee |

#### **B. Temporary Use of State Vehicle/Personal Vehicle**

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| 1. Employees requiring the use of a vehicle to travel for Department business, including training, must use a state vehicle unless circumstances justify the use of a personal vehicle.   | Employee   |
| 2. Use of personal vehicles may be approved, on a case-by-case basis by completing <i>P&amp;P 20-4(B) Request to Use Personal Vehicle and Waiver</i> and submitting it to a supervisor for review. Approval must be attached to Travel Expense Voucher.                         | RA or POII |
| 3. The supervisor will forward form to ACCD Administrator for approval. A request for reimbursement for personal vehicle mileage cannot be submitted unless the employee has received prior written approval from the ACCD Administrator.                                       | Employee   |
| 4. All persons requiring use of a state or personal vehicle for Department business on an temporary basis will complete and submit the <i>P&amp;P 20-4(C) Vehicle Use Agreement</i> to RA and remain under a continuing obligation to update the information contained therein. | RA         |
| 5. RA or designee will submit completed <i>Vehicle Use Agreements</i> to the Probation & Parole Bureau Chief (Bureau Chief) to be forwarded to Department personnel file.   | RA         |
| 6. RA will ensure that a copy of the <i>Vehicle Use Agreement</i> is filed and maintained in each employee's regional personnel file.   | RA         |

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### C. Safety Requirements

1. All persons must use installed seat belts at all times and lock the vehicle when left parked.
2. Smoking is prohibited in state vehicles.
3. The use of handheld cell phones or other electronic communications devices or objects while operating any vehicle on state business is strongly discouraged.

### D. Vehicle Maintenance

1. Department Owned Vehicles: Officers assigned Department owned vehicles are required to schedule all vehicle maintenance and document maintenance on *DOC 1.2.18 Attachment B State Owned Vehicle Report*, which is submitted on a monthly basis to the Department Fiscal Bureau. Maintenance receipts should be attached to this form. P&P Officer
2. Leased Vehicles: Officers assigned leased vehicles are required to schedule all vehicle maintenance and document all PM1 and PM2 services on the Motor Pool's *Preventative Maintenance Form*. Maintenance should be completed whenever possible by the MDT shop closest to the employee's location. If the location is not close to an MDT shop or the shop is unable to schedule the vehicle in, Motor Pool will allow for the vehicle to be serviced by private vendors. A PM2 service can only be done by a MDT shop. A private vendor can not do this service. P&P Officer

Any services completed by private vendors should be pre-approved by the Motor Pool. In this case, the *Preventative Maintenance Form* is not required; however, the employee must submit the original Work/Repair Order to the Motor Pool. The Work/Repair Order should contain the following information:

- a. Vendor Name and Information
- b. Vehicle License Plate Number
- c. Vehicle Odometer Reading
- d. Date

Payment for repairs done by a private vendor can be made by the employee by using the Motor Pool Gas Card (Wex Card) or by the Motor Pool. If paid by Wex Card, the employee must submit the credit card receipt provided by the vendor to MDT-Motor Pool, P.O. Box 201001, Helena, MT 59620-1001.

P&P Officer

### E. Record-keeping Requirements

1. Employees must report any conviction of a driving infraction incurred while driving a state vehicle, or a personal vehicle for state business, to the employee's supervisor within 10 days of the conviction.
2. Leased vehicle mileage must be sent to the Department Fiscal Bureau by the 15th of each month through channels established by region.

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3. Department owned vehicle mileage is submitted monthly through channels established by region to the Department Fiscal Bureau by using *DOC 1.2.18(B) State Owned Vehicle Report*. This form reports gas purchases, mileage and any maintenance/repair completed on the vehicle.

#### F. Disciplinary Action

Any supervisor who becomes aware of any violation of this policy by an employee they supervise shall take appropriate disciplinary action in accordance with the state disciplinary policy or applicable collective bargaining agreement.

#### G. Reporting Accidents on Leased Vehicles

When an employee is involved in an accident while driving a leased vehicle, the following procedures shall be followed:

1. Notify local law enforcement / Montana Highway Patrol (800-525-5555) as soon as possible. Remember that leaving the scene of an accident and not reporting it promptly can result in a fine and disciplinary action by the Department. Employee
2. Notify the Motor Pool as soon as possible (406-444-2682). They will assist if needed for towing, temporary repairs, phone calls, etc. Any towing charges shall be directed to Motor Pool. Employee
3. Notify supervisor as soon as possible. Employee
4. Complete the *Department of Administration Risk Management and Tort Defense Report of Incident Form* located in glove box of vehicle and fax it within 24 hours of the accident to Department Liaison at (406) 444-4920. Employee
5. Supervisor must sign the **original** *Report of Incident Form*, and forward to MDT-Motor Pool Division P.O. Box 201001, Helena, MT 59620-1001. RA or POII
6. Employee must obtain three (3) bids for repair of the damage to the vehicle and fax them to the Motor Pool at (406) 444-0287. Employee
7. Employee should take a minimum of two (2) photographs of the damage to the vehicle and forward the photos to the Motor Pool. This can be accomplished by using a digital camera and e-mailing the photos. Employee
8. The Motor Pool will review the estimates and select a vendor to perform the repairs. Employee will be contacted to make arrangements with vendor to have the repairs completed. Employee
9. The Motor Pool will submit the *Report of Incident* and bids to the Risk Management and Tort Defense (RMTD) if the vehicle has full coverage. RMTD will send out a Proof of Loss to the employee for signature. Motor Pool  
RMTD
10. Notify supervisor of receipt of Proof of Loss form. Employee will then sign and return form to the RMTD. Employee

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| 11. Supervisor will contact the Department Fiscal Bureau to have \$250 transferred to RMTD to cover the deductible. If this deductible is not transferred to RMTD, the vendor completing the repairs will not receive payment. | RA or POII |
| 12. Once the vehicle has been repaired, the original final bill is to be submitted to the Motor Pool at the above referenced address.  | Employee   |

#### H. Reporting Accidents on State Owned Vehicles

When an employee is involved in an accident while driving a **Department owned vehicle**, the following procedures shall be followed:

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|---|-----------------------|
| 1. Notify local law enforcement / Montana Highway Patrol (800-525-5555) as soon as possible. Remember that leaving the scene of an accident and not reporting it promptly can result in a fine and disciplinary action by the Department. | Employee              |
| 2. Notify supervisor as soon as possible. Any towing charges shall be directed to the RA.   | Employee              |
| 3. Complete the <i>Department of Administration Risk Management and Tort Defense Report of Incident Form</i> located in glove box of vehicle and fax it within 24 hours of the accident to Department Liaison at (406) 444-4920.          | Employee              |
| 4. Supervisor must sign the <b>original</b> <i>Report of Incident Form</i> , and forward to the Department Fiscal Bureau at P.O. Box 201301, Helena, MT 59620-1301.   | RA or POII            |
| 5. Employee must consult with the RA to see if the damage to the vehicle will be repaired.  | Employee              |
| 6. If so, employee must obtain three (3) bids for repair of the damage to the vehicle and submit them to the RA for review.   | Employee              |
| 7. Employee should take a minimum of two (2) photographs of the damage to the vehicle and attach to the <i>Report of Incident</i> .   | Employee              |
| 8. The RA will review the estimates and contact the Fiscal Bureau Budget Analyst to select a vendor to perform the repairs, if applicable.  | RA                    |
| 9. Employee will be contacted to make arrangements with vendor to have the repairs completed.   | Employee              |
| 10. The Fiscal Bureau will submit the <i>Report of Incident</i> to the Risk Management and Tort Defense Division (RMTD). RMTD will handle all claims of loss related to the accident.   | Fiscal Bureau<br>RMTD |
| 11. Once the vehicle has been repaired, the original final bill will need to be submitted to the RA for payment.  | Employee              |

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## V. CLOSING:

Questions concerning this procedure shall be directed to the Bureau Chief.

### Forms

P&P 20-4(A)	Request for Vehicle Assignment
P&P 20-4(B)	Request to Use Personal Vehicle & Waiver
P&P 20-4(C)	Vehicle Use Agreement
DOC 1.2.18 Attachment B	State Owned Vehicle Report
RMTD	Report of Incident
State Motor Pool Preventative Maintenance Form	